

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KELLY SERVICES, INC.,

Plaintiff(s),

v.

SHIVANI JAIN,

Defendant(s).

No. C 09-03100 PJH

**ORDER GRANTING MOTION TO
COMPEL IN PART AND DENYING
IT IN PART**

Plaintiff Kelly Services, Inc.'s motion to compel inspection of computer, for sanctions for failure to comply with court orders, to continue the hearing on plaintiff's motion for preliminary injunction and defendant's motion to dismiss, or in the alternative change of division, and to extend the temporary restraining order was heard on August 26, 2009. James Boustrous appeared for plaintiff; James Roberts appeared for defendant. After consideration of the papers and arguments of the parties the court GRANTS the motion in part and DENIES the motion as follows for the reasons stated at the hearing.

1. Plaintiff's motion for an order permitting the restoration of plaintiff's computer at plaintiff's expense is GRANTED. Defendant's computer shall be restored even without defendant's consent at a facility in the Bay Area. It shall thereafter be sent via overnight mail to plaintiff's forensic expert located in Michigan. Following the forensic examination, it shall be returned to defendant. This process should take approximately two weeks.
2. Plaintiff's motion for discovery sanctions is DENIED.
3. Plaintiff's motion to continue the September 9, 2009 hearing on its motion for preliminary injunction and defendant's motion to dismiss is GRANTED. The hearing

on both motions will occur on September 23, 2009, at 9:00 a.m.

4. The temporary restraining order shall remain in effect until the motion for preliminary injunction is determined.

IT IS SO ORDERED.

Dated: August 26, 2009



PHYLLIS J. HAMILTON
United States District Judge